

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ROSLYN LA LIBERTE,

Plaintiff,

v.

JOY REID,

Defendant.

Civil Action No. 1:18-cv-05398-
DLI-VMS

ECF Case

DECLARATION OF G. TAYLOR WILSON

Pursuant to 28 U.S.C. § 1746 and Fed. R. Civ. P. 56(d), I, G. TAYLOR WILSON,
declare as follows:

1. I am a partner at L. Lin Wood, P.C., attorneys for Plaintiff Roslyn La Liberte (“La Liberte”) in this action. I am a member in good standing duly admitted to practice law in the State of Georgia, and was admitted pro hac vice in this action on October 11, 2018.

2. I make this declaration in support of La Liberte’s letter request to permit targeted discovery essential to La Liberte’s opposition to the factual challenges raised in Defendant Joy Reid’s (“Reid”) pending Motion to Dismiss the Action and Strike Plaintiff’s Amended Complaint pursuant to California’s Anti-SLAPP statute, CA CIV. § 425.16 (the “Anti-SLAPP Motion”).

3. La Liberte has not been afforded *any* opportunity to conduct discovery essential to oppose Reid’s Anti-SLAPP Motion. Accordingly, prior to filing La Liberte’s request for discovery with the Court, I conferred in good faith with Reid’s counsel in attempt to agree on the targeted discovery sought by La Liberte. Reid rejected any discovery on any issue by any method or means.

4. Without the discovery requested by La Liberte, she will be unable to fully and fairly respond to the pending Anti-SLAPP Motion and the Court – if it enforces California’s Anti-SLAPP statute and finds La Liberte to be a limited purpose public figure – would be forced to rule upon the Anti-SLAPP Motion without the benefit of a full factual record on relevant issues.

5. Reid’s Anti-SLAPP Motion raises factual challenges to certain allegations made in La Liberte’s Amended Complaint on the issue of actual malice, and otherwise fails to enlighten the Court on her position with respect to many distinct allegations raising a triable issue on Reid’s knowledge of falsity or reckless disregard for the truth of her accusations.

6. Indeed, Reid submitted three separate affidavits in support of her Anti-SLAPP Motion, with her own affidavit raising more questions than it answers with regard to this Court’s inquiry into actual malice.

7. Although actual malice is a standard that may be met through the presentation of circumstantial objective evidence, it requires an inquiry into facts relevant to the subjective state of mind of Reid. Both the evidence necessary to prove certain factual allegations made by La Liberte and Reid’s subjective state of mind are within Reid’s possession, and this evidence is essential to La Liberte’s ability to fully respond on the issue of actual malice.

8. La Liberte seeks permission to propound no more than five targeted document requests, followed by a one-day deposition of Reid solely on the issue of actual malice. I believe that a ninety-day time period in which to conduct this discovery is appropriate and sufficient.

9. If allowed to engage in limited discovery, La Liberte expects to prove actual malice through cumulative, circumstantial objective evidence falling into, among others, the following recognized indicia of actual malice: (a) Reid’s *deliberate alteration* of the statement

on which she purports to have relied for accusing La Liberte of yelling racial slurs at a minor; (b) Reid's *actual knowledge* of facts establishing La Liberte's innocence prior to Reid's publications; (c) Reid's *purposeful avoidance* of facts establishing La Liberte's innocence of the accusations against her; (d) Reid's knowledge or lack thereof regarding the *unreliability and bias* of her sole source, Alan Vargas; (e) Reid's *personal bias and animus* toward President Trump and his supporters; (f) Reid's *motives, political or otherwise*, for publishing her accusations against La Liberte; and (g) Reid's total *failure to investigate* the truth or falsity of her accusations, despite relying on a single demonstrably biased source.

10. With respect to Reid's *deliberate alteration* of her source's initial statement, La Liberte seeks and reasonably expects to discover information that Reid relied on no other alleged publication of accusations against La Liberte aside from Alan Vargas, whose tweet on this issue stated only that "they yelled" racial slurs at this young man, while Reid specifically accused La Liberte of yelling racial slurs. This discovery is necessary to rebut Reid's lengthy argument that a few other individuals had previously so accused La Liberte, but Reid refused and/or failed to address whether she saw or relied on those individuals prior to issuing her accusations. La Liberte expects to discover that she did not know of or rely on other accusations beyond Mr. Vargas's initial tweet. This information is uniquely within Reid's possession and is essential to La Liberte's opposition to the Anti-SLAPP Motion.

11. With respect to Reid's *actual knowledge of falsity*, La Liberte seeks and reasonably expects to discover information regarding Reid's receipt of multiple e-mails subject "I am the son of Roslyn La Liberte" and providing evidence of the falsity of Reid's accusations. In this regard, Reid's affidavit states that she "did not see the emails," but there exists documentary evidence that can test this assertion: her electronic inbox on the dates of the e-

mails showing which e-mails were read, and when. La Liberte further seeks to discover information concerning comments posted to Reid's own social media pages indicating La Liberte's innocence in this matter based upon publicly available information. While Reid states in her affidavit she "first learned" of one particular news story establishing La Liberte's innocence, she entirely fails to address La Liberte's allegation that posts were made to the comments section of Reid's own accusations on her own social media page tending to establish La Liberte's innocence. Moreover, La Liberte may, in fact, discover that Reid received many e-mails in the same manner that La Liberte did regarding the truth of this matter. This information is uniquely within Reid's possession and is essential to La Liberte's opposition to the Anti-SLAPP Motion.

12. With respect to Reid's *purposeful avoidance* of facts establishing La Liberte's innocence in this matter, La Liberte seeks and reasonably expects to discover information regarding Reid's awareness of the information addressed in the above paragraph, and her explanation for continuing to level such serious accusations against La Liberte when there was substantial publicly available information establishing La Liberte's innocence. This information is uniquely within Reid's possession and is essential to La Liberte's opposition to the Anti-SLAPP Motion.

13. With respect to Reid's reliance on an *unreliable and biased* source, La Liberte seeks and reasonably expects to discover information regarding Reid's knowledge of who Alan Vargas was, his stance on immigration, his animus toward President Trump and his supporters, and what his role was, if any, during the incident in question. As alleged in the Amended Complaint, Mr. Vargas uses social media largely for the purpose of deriding President Trump and his supporters' positions on immigration. Further, while Reid's Anti-SLAPP Motion

casually references Mr. Vargas as an “eyewitness,” there are no facts in the record establishing that Mr. Vargas was an “eyewitness” or that Reid knew or assumed that he was an “eyewitness.” Further, Reid leaves unaddressed La Liberté’s allegation that Reid knew so little about this incident and her source that she referred to the incident taking place at a “political rally” rather than a city council meeting. Moreover, the record is bereft of testimony from Reid regarding what she knew about Mr. Vargas, his motives, and his agenda. This information is uniquely within Reid’s possession and is essential to La Liberté’s opposition to the Anti-SLAPP Motion.

14. With respect to Reid’s *personal animus and bias* against La Liberté, La Liberté seeks and reasonably expects to discover information regarding Reid’s prior accusations against President Trump and his supporters (via social media or otherwise) and her honestly held beliefs about Trump supporters wearing MAGA hats in public, including any predisposition regarding whether such individuals are representative of racist conduct exhibited during the civil rights movement. This information is uniquely within Reid’s possession and is essential to La Liberté’s opposition to the Anti-SLAPP Motion.

15. With respect to Reid’s *motives and agenda* for publishing these accusations against La Liberté, La Liberté seeks and reasonably expects to discover Reid’s positions on the issue of immigration and what action she has taken to advance her position, including at the expense of La Liberté. As set forth in the Amended Complaint, Reid has been described as the “heroine of the resistance” to President Trump, and Reid failed to respond or otherwise address by affidavit her motives and agenda in this matter. This information is uniquely within Reid’s possession and is essential to La Liberté’s opposition to the Anti-SLAPP Motion.

16. With respect to Reid’s *failure to investigate* prior to publication, La Liberté seeks and reasonably expects to discover what actions, if any, Reid undertook to verify the truth or

falsity of her accusations prior to publication, and if she took none, why. This, too, is left wholly unaddressed by Reid's affidavit. For instance, while La Liberté is able to establish that Reid did not contact her, she is unable to establish whether Reid reached out to any other individual involved in the incident or whom Reid believed to be involved in the incident, and why she took no efforts to simply "google" the issue before continuing to accuse La Liberté in subsequent days, if for no other reason than to discover where and when the event allegedly took place. Further, La Liberté seeks to discover the reasons behind Reid's failure to investigate despite relying on just one social media source who was previously unknown to her and whose social media page on which she relied demonstrates bias. This information is uniquely within Reid's possession and is essential to La Liberté's opposition to the Anti-SLAPP Motion.

17. La Liberté will seek to establish this factual record through the five document requests and one-day deposition referenced herein, and she has been unsuccessful in her attempts to gain this targeted discovery through conferring with opposing counsel.

18. Although La Liberté believes she is entitled to conduct more fulsome discovery regarding the litany of factual issues raised in Reid's Anti-SLAPP Motion, she reasonably seeks only information related to actual malice and to do so through limited discovery procedures excluding interrogatories and requests for admission, and greatly limiting document discovery to ensure that any burden – however warranted – on Reid is minimized in a manner consistent with the breadth of the issues raised and the Rule 56(d) standard.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and that this declaration was executed in Atlanta, Georgia on January 7, 2019.


G. Taylor Wilson